

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEONARD C. JEFFERSON,
Plaintiff,

V.

C.A. NO. 04-44 ERIE

WILLIAM WOLFE, et al.,
Defendants.

PLAINTIFF'S OPPOSITION TO THE MOTION TO DISMISS
PRESENTED WITHIN DEFENDANTS' RESPONSE TO PLAINTIFF'S SECOND DECLARATION OF DEFAULT

AND NOW, comes plaintiff, Leonard C. Jefferson, pro se, respectfully asking this court to deny the Motion To Dismiss requested by defendants in their Response To Plaintiff's Second Declaration Of Default (DOC # 41), and presents the following:

1. Around 05/19/05 counsel for defendants filed a Response To Plaintiff's Second Declaration of Default wherein, "Defendant's respectively move to dismiss the allegations; incorporating by reference the positions asserted in Docket Entries 13, 26 and 30." (Quoting ¶ 5 on page 2 of DOC # 41).

2. Plaintiff opposes defendants' 05/19/05 move to dismiss plaintiff's allegations; incorporating by reference the positions plaintiff asserted in the following documents:

- (a) Plaintiff's Opposition to Motion to Dismiss (DOC # 18)
- (b) Brief In Support of Plaintiff's Opposition to Motion to Dismiss (DOC # 19)
- (c) Plaintiff's Opposition to Defendants' Response to Plaintiff's Opposition to Defendant's Motion to Dismiss (DOC # 24), and,
- (d) Plaintiff's Opposition to Defendants' Motion and Brief in Support Motion to Dismiss Supplemental Complaint (DOC # 34)

WHEREFORE: plaintiff respectfully prays the court will deny Defendants' Motion to Dismiss plaintiff's complaint.

Respectfully

Leonard C. Jefferson

Leonard C. Jefferson

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I placed a true and correct copy of the foregoing Plaintiff's Opposition To The Motion To Dismiss Presented Within Defendants' Response To Plaintiff's Second Declaration Of Default in the first-class U.S. Mailbox on F/B-Unit in SCI-Albion on this 1st day on September, 2005 addressed to :

Christian D. Bareford
Deputy Attorney General
OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Plaza
564 Forbes Avenue
Pittsburgh, PA 15219

Leonard C. Jefferson

Leonard C. Jefferson, CL-4135
10745 Rt. 18
Albion, PA 16475-0002

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CERTIFICATE OF SERVICE

Pursuant to the 03/30/05 and 07/28/05 ORDERS of this court, plaintiff hereby certifies, on this 1st day of September, 2005, that he mailed fourteen (14) FORM USM-285s to the: United States Marshals Service, Western District of Pennsylvania, 700 Grant Street, Suite 241, Pittsburgh, PA 15219-1912 for service upon each of the original and additional defendants in this action, as follows:

On 08/14/05 one FORM USM-285 for defendant Wolfe and one for defendant Beard requesting service upon their counsel, Christian D. Bareford, Deputy Attorney General, OFFICE OF ATTORNEY GENERAL, 6th Floor, Manor Plaza, 564 Forbes Avenue, Pittsburgh, PA 15219.

On 08/16/05 one FORM USM-285 for service upon each of the following defendants: Patricia Gamble, Michael Snyder, Patricia McKissock, and Barry Lobdell; at SCI-Albion, 10745 Rt. 18, Albion, PA 16475-0001.

On 08/16/05 one FORM USM-285 for service upon each of the following defendants: Glenn McQuown, Robert Boeh, Timothy Hametz, Thomas James, Sharon Burks, C.O.1 Clement, Ivory Barnett, and Zachary Moslak at; Pennsylvania Department of Corrections, 2520 Lisburn Road, P.O. Box 598, Camp Hill, PA 17001-0598.

On 08/29/05 plaintiff re-mailed the FORM USM-285 (addressed to Robert Boeh) to the Marshals for service upon Mr. Boeh. (The Marshals had returned said FORM to plaintiff along with an un-signed note which stated: "Robert Boeh is not listed as a defendant on the court docket sheet.")

Leonard C. Jefferson, CL-4135
10745 Rt. 18
Albion, PA 16475-0002

Leonard C. Jefferson

Dated: September 1, 2005

Leonard C. Jefferson, CL-4135
10745 Rt. 18
Albion, PA 16475-0002
September 1, 2005

Clerk of Courts
U.S. District Court
P.O. Box 1820
Erie, PA 16501

RE: JEFFERSON V. WOLFE, ET AL., C.A. NO. 04-44 ERIE

Dear Sir or Madam:

Please file the enclosed:

PLAINTIFF'S OPPOSITION TO THE MOTION TO DISMISS PRESENTED WITHIN DEFENDANTS'
RESPONSE TO PLAINTIFF'S SECOND DECLARATION OF DEFAULT, and

the CERTIFICATE OF SERVICE

in the above-captioned action.

Thank you for your attention to this matter.

Respectfully

Leonard C. Jefferson
Leonard C. Jefferson

CC: Christian D. Bareford
file